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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 KEVIN DOUGLAS DONAHOE,

11 Plaintiff,

No. 2:11-cv-3089 KJN P

12 vs.

13 PEOPLE OF THE STATE OF  
14 CALIFORNIA,

15 Defendants.

ORDER

16 \_\_\_\_\_/  
17 Plaintiff, a San Diego county prisoner proceeding pro se, has filed a civil rights  
18 action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In  
19 light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to  
20 proceed in forma pauperis or the merits of plaintiff's complaint.

21 The federal venue statute requires that a civil action, other than one based on  
22 diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all  
23 defendants reside in the same State, (2) a judicial district in which a substantial part of the events  
24 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject  
25 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is  
26 no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b).

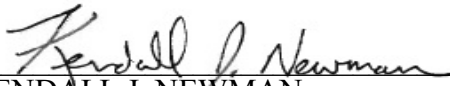
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1 In this case, it appears that most of the named defendants are located, and the  
2 claim arose, in San Diego County, which is in the Southern District of California. Therefore,  
3 plaintiff's action should have been filed in the United States District Court for the Southern  
4 District of California. In the interest of justice, a federal court may transfer a complaint filed in  
5 the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d  
6 918, 932 (D.C. Cir. 1974).

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. This court has not ruled on plaintiff's request to proceed in forma pauperis; and  
9 2. This matter is transferred to the United States District Court for the Southern  
10 District of California.

11 DATED: December 1, 2011

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14 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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